

REMARKS / ARGUMENTS

The specification has been amended by replacing the term “R_a”, wherever it appears, with the term “R^a”, to correct a typographical error. The term “R^a” appears correctly at page 49, line 5, 6 of the original specification.

Claims 1 and 11 – 17 have been amended.

Claims 1 and 11 have been amended by replacing the term “R_a” with the term “R^a”. Support for this change is described above. Both claims have also been amended by deleting the terms “MK-2 inhibiting”.

Claim 1 is further amended by correcting the typographical error by reversing the term “is it” to read properly as “it is”.

Claims 12 – 17 have been amended by expressing the possible substituents for “G” in the structure described in claim 11 in a manner that corrects the lack of antecedent basis issue that was pointed out in the Action. Support for these descriptions is found in the original specification and claims as described below.

Claims 1 – 17 remain in the case.

No new matter has been added.

Rejection of claims 1 – 17 under 35 USC §112, second paragraph, as being indefinite.

In claims 1 and 11, the Office has pointed out the typographical error regarding the identification of R^a as R_a. This error has now been corrected each time it appears and the definition of Z as including NR^aY is now clarified due to the proper identification of R^a.

In claims 1 and 11, the term “MK-2 inhibiting” was argued to be indefinite because it was not clear whether the inhibition occurred *in vivo* or *in vitro*. Without admitting that these terms cause the claim to be indefinite under 35 USC §112, second paragraph, the Applicant has deleted the terms as suggested in the Action.

As suggested in the Action, claim 1 has been amended to correct the typographical error by reversing the terms “is it”, so that they read properly as “it is”.

Claims 12 – 17 were rejected because the variables R⁹ and R¹⁰ lacked antecedent basis in claim 11. The variables R⁹ and R¹⁰ appear in the general structure of formula I on page 12 of the specification. However, this formula was not used in claim 11. Therefore, the descriptions of the permissible substituents for “G” in claims 12 – 17

have been amended to conform to the description of those substituents that was used in claim 11. Support for these descriptions can be found in the original specification at least in formula 1, page 12, and original claims 12 -17.

It is respectfully requested that the rejection of claims 1 – 17 under 35 USC §112, second paragraph, be reconsidered for the reasons discussed below and be withdrawn.

Allowable subject matter.

The finding that the claims are allowable over the prior art is acknowledged with appreciation.

Consideration of references included in the Information Disclosure Statement dated June 9, 2004.

Applicant filed an IDS on June 9, 2004. At the time that the IDS was filed, the Applicant was not aware that an office action had been issued in the case. However, it is now apparent that the Action dated June 3, 2004, was issued prior to the filing of the IDS of June 9, 2004. The Applicant respectfully requests that the IDS filed on June 9, 2004, not be entered into the case, but that the references that are attached to that IDS be retained by the Examiner for consideration as described below.

Applicant has filed with this Response a new IDS filing under 37 CFR §1.97(c) that includes the fee set forth in 37 CFR §117(p). It is respectfully requested that the copies of the references that were provided with the IDS filing dated June 9, 2004, be transferred to the present IDS and be considered. If the Examiner sees any reason for the listed references to be resubmitted, a telephone call to the undersigned would be appreciated.

Request for reconsideration:

It is respectfully requested that the claims be re-examined in view of the amendments to the claims and upon consideration of the remarks/ arguments that are discussed above and be found to be allowable. If one or all of the claims are deemed to not be allowable, the Examiner is invited to call the undersigned attorney at the number given below for resolution of any remaining issues.

Respectfully requested,

NELSON MULLINS RILEY & SCARBOROUGH

June 28, 2004
Date

A handwritten signature in black ink, appearing to read "Charles E. Dunlap", written over a horizontal line.

Charles E. Dunlap

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